

Presentment Date and Time: September 29, 2023 at 11:00 a.m. (Prevailing Eastern Time)
Objection Deadline: September 27, 2023 at 4:00 p.m. (Prevailing Eastern Time)
Hearing Date and Time (Only if Objections Filed): To Be Scheduled

Andrew K. Glenn
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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

)	Chapter 11
In re:)	
)	Case No. 23–22655 (SHL)
BCR PINWOOD REALTY LLC,)	
)	
Debtor.)	
)	

**NOTICE OF PRESENTMENT OF DEBTOR’S APPLICATION
TO EXTEND TIME TO FILE SCHEDULES OF ASSETS AND
LIABILITIES AND STATEMENT OF FINANCIAL AFFAIRS**

PLEASE TAKE NOTICE that BCR Pinewood Realty LLC, as debtor and debtor in possession (the “Debtor”) in the above captioned Chapter 11 case (the “Chapter 11 Case”), will present the annexed application (the “Application”), pursuant to sections 105(a) and 521(a) of title 11 of the United States Code (the “Bankruptcy Code”), rules 1007(c) and 9006(b) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Rule 9006-23 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Bankruptcy Rules”), for entry of an order extending the time for the Debtor to file its schedules of assets and liabilities and statement of financial affairs, all as more fully set forth in the Application, to the Honorable Sean H. Lane, United States Bankruptcy Judge for the Southern District of New York, for signature on **September 29, 2023 at 11:00 a.m. (prevailing Eastern Time).**

PLEASE TAKE FURTHER NOTICE that any responses or objections (the “Objections”) to the Application shall be in writing, shall conform to the Bankruptcy Rules and the Local Bankruptcy Rules, shall be filed with the Bankruptcy Court (i) by attorneys practicing in the Bankruptcy Court, including attorneys admitted pro hac vice, electronically in accordance with General Order M-399 (which can be found at www.nysb.uscourts.gov), and (ii) by all other parties in interest, on a CD-ROM, in text-searchable portable document format (PDF) (with two single-sided hard copies delivered to the Judge’s Chambers), in accordance with the customary practices of the Bankruptcy Court and General Order M-399, to the extent applicable, and shall be served in accordance with General Order M-399, the Bankruptcy Rules, and the Local Bankruptcy Rules, so as to be filed and served upon (i) proposed counsel to the Debtor, Glenn Agre Bergman & Fuentes LLP, 1185 Avenue of the Americas, 22nd Floor, New York, New York 10036 (Attn: Andrew K. Glenn, Esq., Jed I. Bergman, Esq., Malak S. Doss, Esq., and Margaret J. Lovric, Esq.); and (ii) the Office of the United States Trustee for Region 2, 201 Varick Street, Suite 1006, New York, NY 10014 (Attn: Shara Cornell, Esq.); by no later than **September 27, 2023 at 4:00 p.m. (prevailing Eastern Time)** (the “Objection Deadline”).

PLEASE TAKE FURTHER NOTICE that only those Objections timely filed and actually received by the Objection Deadline in accordance with the requirements set forth herein will be considered by the Bankruptcy Court. If no Objections are timely filed and served with respect to the above referenced Application, the Debtor may, on or after the Objection Deadline, submit to the Bankruptcy Court an order substantially in the form of the proposed order annexed to the Application, which order may be entered without further notice or opportunity to be heard.

PLEASE TAKE FURTHER NOTICE that if an Objection is timely filed and served, a hearing (the “Hearing”) may be held before the Bankruptcy Court to consider the Application and Proposed Order on a date and time to be scheduled.

PLEASE TAKE FURTHER NOTICE that any objecting parties are required to attend any Hearing and failure to appear may result in relief being granted upon default.

Dated: September 12, 2023
New York, New York

GLENN AGRE BERGMAN & FUENTES LLP

By: /s/ Andrew K. Glenn

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Proposed Counsel to the Debtor

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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:)	Chapter 11
)	
BCR PINWOOD REALTY LLC,)	Case No. 23–22655 (SHL)
)	
Debtor.)	
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**DEBTOR’S APPLICATION TO EXTEND TIME TO FILE SCHEDULES OF
ASSETS AND LIABILITIES AND STATEMENT OF FINANCIAL AFFAIRS**

TO THE HONORABLE SEAN H. LANE,
UNITED STATES BANKRUPTCY JUDGE

BCR Pinewood Realty LLC, as debtor and debtor in possession (the “Debtor”) in the above captioned Chapter 11 case (the “Chapter 11 Case”), respectfully represents as follows in support of this application (the “Application”):

BACKGROUND

1. On September 7, 2023 (the “Petition Date”), the Debtor commenced with this Court a voluntary case under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”). The Debtor is the owner of a residential apartment complex, commonly known as Pinewood Apartments, located at 1609-15 Monmouth Avenue, Lakewood, New Jersey 08701 (the “Property”).

2. The Debtor is authorized to continue to operate its business and manage the Property as debtor in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. No trustee, examiner, or statutory committee of creditors has been appointed in the Chapter 11 Case.

3. Additional Information regarding the Debtor's business and capital structure and the circumstances leading to the commencement of the Chapter 11 Case is set forth in the *Declaration of Benjamin Ringel Pursuant to Local Bankruptcy Rule 1007-2* [Dkt. No. 2] (the "Ringel Declaration").¹

JURISDICTION

4. This Court has jurisdiction to consider this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the Amended Standing Order of Reference M-431, dated January 31, 2012 (Preska, C.J.). This is a core proceeding pursuant to 28 U.S.C. § 157(b). Venue is proper before the Court pursuant to 28 U.S.C. §§ 1408 and 1409.

RELIEF REQUESTED

5. By this Application, pursuant to sections 105(a) and 521(a) of the Bankruptcy Code, Rules 1007(c) and 9006(b) of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Rule 9006-23 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Rules"), the Debtor requests that the Court extend the deadline, which expires on September 21, 2023, to file its schedules of assets and liabilities and statement of financial affairs (collectively, the "Schedules and Statement") by an additional fourteen (14) days, through and including October 5, 2023, without prejudice to the Debtor's right to request additional time should it become necessary.

¹ Capitalized terms used but not otherwise defined herein have the meaning ascribed to them in the Ringel Declaration.

6. A proposed form of order granting the relief requested in this Application is attached hereto as **Exhibit A**.

RELIEF REQUESTED SHOULD BE GRANTED

7. Section 521(a) of the Bankruptcy Code requires debtors to file schedules of assets and liabilities and statements of financial affairs unless the Court orders otherwise. 11 U.S.C. § 521(a)(1)(A)–(B). These schedules and statements must generally be filed within 14 days after the petition date. *See* Fed. R. Bankr. P. 1007(c). However, Bankruptcy Rule 1007(c) provides that an extension of the time to file schedules and statements “may be granted only on motion for cause shown and on notice to the United States trustee, any committee . . . , trustee, examiner, or other party as the Court may direct.” Fed. R. Bankr. P. 1007(c). The requirement to show cause merely requires that a debtor “demonstrate some justification for the issuance of the order,” and “normally will be granted in the absence of bad faith or prejudice to the adverse party.” *Bryant v. Smith*, 165 B.R. 176, 182 (W.D. Va. 1994) (discussing the standard for granting extensions under Bankruptcy Rule 1007) (citations omitted).

8. Section 105(a) of the Bankruptcy Code further authorizes the Court to “issue any order, process, or judgment that is necessary or appropriate to carry out the provisions” of the Bankruptcy Code. 11 U.S.C. § 105(a).

9. As more fully set forth in the Ringel Declaration, immediately prior to the Petition Date, the Debtor was substantially preoccupied with, among other things, the Holdco Litigation, the Rushmore sale process, and miscellaneous litigations seeking to attach judgements against the beneficial owners of the Debtor to (i) the Property’s cash flow and (ii) the proceeds of any sale of the property. Since the Petition Date, the Debtor has remained focused on taking steps to prepare for an expeditious and value-maximizing sale of the Property, either through the assumption of the

Rushmore Sale Agreement or a separate marketing process, the proceeds of which would be used to maximize value for the benefit of the Debtor and all of its stakeholders. The Debtor has also been working diligently since the Petition Date to compile the information requested by the Office of the United States Trustee in advance of the initial debtor interview, which is currently scheduled for September 26, 2023. As a result, the Debtor believes that it will not be able to properly and accurately compile the Schedules and Statement within the standard 14-day time period, and requests an extension of an additional fourteen (14) days, through and including October 5, 2023.

10. Courts in this District have regularly granted similar extensions in other Chapter 11 cases. *See, e.g., In re Urban Commons 2 West LLC*, Case No. 22-11509 (PB) (Bankr. S.D.N.Y. Dec. 6, 2022) [Dkt. No. 55] (granting 16-day extension of time to file schedules of assets and liabilities and statement of financial affairs); *In re 85 Flatbush RHO Mezz LLC*, Case No. 20-23280 (RDD) (Bankr. S.D.N.Y. Jan. 4, 2021) [Dkt. No. 27] (granting 15-day extension of time to file schedules of assets and liabilities and statement of financial affairs); *In re Vernon 4540 Realty LLC*, Case No. 20-22919 (RDD) (Bankr. S.D.N.Y. Aug. 18, 2020) [Dkt. No. 5] (granting 30-day extension of time to file schedules of assets and liabilities and statement of financial affairs); *In re 127 East 69th Street LLC*, Case No. 19-12647 (SHL) (Bankr. S.D.N.Y. Sept. 13, 2019) [Dkt. No. 19] (granting 14-day extension of time to file schedules of assets and liabilities and statement of financial affairs).

11. Accordingly, the Debtor requests that the Court extend the deadline for the Debtor to file the Schedules and Statement for an additional fourteen (14) days, without prejudice to the Debtor's right to request further extensions for cause shown.

NOTICE

12. Notice of this Application will be provided to (i) the Office of the United States Trustee for Region 2 (Attn: Shara Cornell, Esq.), (ii) the holders of the 20 largest unsecured claims against the Debtor, and (iii) any party that has requested notice pursuant to Bankruptcy Rule 2002. The Debtor respectfully submits that no further notice is required.

13. No previous request for the relief sought herein has been made by the Debtors to this or any other Court.

[Remainder of page intentionally left blank.]

WHEREFORE, the Debtor respectfully requests that the Court enter the Proposed Order granting the relief requested herein and such other and further relief as the Court may deem just and appropriate.

Dated: September 12, 2023
New York, New York

Respectfully submitted,

GLENN AGRE BERGMAN & FUENTES LLP

By: /s/ Andrew K. Glenn

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